

REMARKS

Applicant thanks the Examiner for thorough consideration given the present application.

Claims 4-11 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

It is respectfully requested that present amendment should be entered into the official file in view of the fact that the amendments to the claims automatically place the application in condition for allowance. Alternatively, if the Examiner does not agree that the application is in condition for allowance, it is respectfully requested that the present amendment should be entered for the purpose of appeal. Claim 3 has been cancelled, thus reducing the number of claims for appeal. Claim 11 has been amended in order to better define the invention. Accordingly, entry of this amendment is respectfully requested.

Rejection Under 35 USC § 102

Claims 3, 5, and 11 stand rejected under 35 U.S.C § 102(b) as being anticipated by Komiyama (US Pat. 4,276,627). This rejection is respectfully traversed.

Applicant disagrees with the Examiner's understanding of the Komiyama reference. First, it is noted that the Examiner refers to a sound generator 2 shown in Figures 2 and 4. Applicant has reviewed both figures and see no such reference numeral. However, it is assumed that the Examiner is referring to the quartz crystal vibrator 112 or a similar device. The Examiner apparently believes that the vibrator is used to generate sound. However, Applicant disagrees that this is the function of the quartz vibrator. Quartz time pieces utilize a quartz crystal to vibrate at a constant frequency in order to drive the watch mechanism. No sound is generated in this process. Accordingly, Applicant submits that the Examiner is incorrect in this statement. The Examiner also refers to a circular recess in a top portion of the case. Applicant submits that the recess which holds the battery is not in the top of the case, but rather the bottom.

As indicated in the Brief Description of the Drawings, Figure 2 is a bottom view of the device. It should also be noted from Figure 4 and other side views that the battery 118 is on the opposite side of the device from the display cell 10 which displays the time. Since this cell must be visible, it must be on the top of the case. Accordingly, the battery then is on the bottom. The Examiner refers to a battery resiliently held in the recess of the case as reference numeral 18 shown in Figure 4. It is assumed that the Examiner means reference numeral 118. However, Applicant believes that the contact holding the battery is not resilient and this is not seen in the reference.

Claim 11 sets forth a combination of elements wherein a sound generator includes a case with a circular recess, a sound generating device, a battery inserted in the recess, terminals, and a pair of contact plates each of which is elastically in contact with the electrode of the battery and each of which extends along the surface of the electrode, downwardly along the side wall of the case and inwardly bent at the lower corner of the case to be secured to the terminals. Applicant submits that the Komiyama reference does not show this combination of elements.

As noted above, Applicant submits that the reference does not show a sound generator or a sound generating device. Also, the reference does not show a battery inserted in a recess in a top portion of the case. Further, Applicant submits the contact plates do not elastically hold the battery in the recess. Instead, these contacts are rigid. Further, the contacts plates now are described as extending along the surface of the electrodes and then downwardly along the side wall of the case and inwardly bent at the lower corner to be secured to the terminals. This specific location of the contact plates is not shown at all in the reference. While the contact plates do extend along the surface the electrode, only one extends downwardly and this is not along the side wall of the case. Neither of the electrodes is inwardly bent at the lower corner of the case to be secured to the terminals.

Because the contact plates are connected to the terminals at the bottom of the case, they are highly elastic due to the length they extend before reaching the electrode of the battery. Therefore, it is easy to remove the battery due to the resiliency of the contact plate. In addition, by mounting the terminals on the underside of the case, the sound generator can more easily be mounted on the device.

This arrangement differs from Komiyama where the battery 118 is fixed by the cell contact 132 which has a short length and is fixed by screw 129. Thus, this contact is not resilient and does not allow the removal of the battery without loosening the screw.

Claims 4-10 depend from claim 11 and as such are also considered to be allowable. In addition, each of these claims recite other features that make them additionally allowable. This includes the use of a buzzer, a disc battery, the offsetting of the contact plate and the mounting of the terminals a printed circuit substrate. Accordingly, Applicant submit that these claims are additionally allowable.

Rejections Under 35 USC § 103

Claims 4 and 6 stand rejected 35 U.S.C. § 103(a) as being obvious of Komiyama in view of Ganter et al. (US Pat. 4,004,409). Claims 7-10 stand rejected under 35 U.S.C § 103(a) as being obvious of Komiyama in view of Pasquier (US Pat.4,511,260). These rejections are respectfully traversed.

The Examiner relies on Ganter to show the use of a buzzer as a sound generating device. The Examiner also relies on Ganter to show the use of a pair of terminals for applying voltage from the control circuit to the buzzer. Applicant submits that even if this reference does show these features, these claims remain allowable based on their dependency of allowable claim 11. Likewise, the Examiner sites the Pasquier reference to show a contact plate made of resilient metal. Applicant submits that even if this reference does show this feature, the claims remain allowable based on their dependency from allowable claim 11. Accordingly, Applicant submits that all the claims are now allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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